

The Hon. James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS RUIZ-HERNANDEZ,
a/k/a, CHRISTO JESUS ESCOBAR SOLARES,

Defendant.

NO. CR22-197-JLR

**PRELIMINARY ORDER
OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Jesus Ruiz-Hernandez's interest in the following real property ("Subject Real Property"):

- a. The real property located at 6113 SW 240th St., Vashon, WA 98070; King Co. Parcel No. 222203-9022 with abbreviated legal description S 636.5 FT OF N 661.5 FT OF W 664.8 FT OF NE 1/4 OF NW 1/4; and
- b. The real property located at 12726 SW Cemetery Road, Vashon, WA 98070; King Co. Parcel No. 012202-9076 with abbreviated legal description W 1/2 OF FOLG - POR OF NW 1/4 OF NW 1/4 LY E OF LN 400 FT E OF & PLW COVE RD & N OF CO RD # 331.

1 The Court, having reviewed the United States' Motion, as well as the other papers
 2 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of
 3 Forfeiture is appropriate for the following reasons:

- 4 • As alleged in the Second Superseding Indictment, the Forfeiture Bill of
 5 Particulars, and *Lis Pendens* (Dkt. Nos. 54, 72, 77), the United States gave
 6 notice of its intent to seek forfeiture of the real property located at 6113 SW
 7 240th St., Vashon, Washington upon Defendant's conviction of any of the
 8 offenses charged in Counts 2-4 and Counts 6-16 of the Second Superseding
 9 Indictment, pursuant to 18 U.S.C. § 982(a)(6), as property constituting or
 10 traceable to proceeds of such offenses, any conveyance used in the
 11 commission of the offenses, and property used to facilitate the commission
 12 of the offense; and pursuant to 8 U.S.C. § 1324(b), by way of 28 U.S.C.
 13 § 2461(c), as property constituting or traceable to proceeds of such
 14 offenses;
- 15 • Additionally, as alleged in the Second Superseding Indictment, the
 16 Forfeiture Bill of Particulars, and the *Lis Pendens* (Dkt. Nos. 54, 72, 77,
 17 78), the United States gave notice of its intent to seek forfeiture of the
 18 Subject Real Property located at 6113 SW 240th St., Vashon, WA and
 19 12726 SW Cemetery Road, Vashon, WA upon Defendant's conviction of
 20 any of the offenses alleged in Counts 17-22 of the Second Superseding
 21 Indictment, pursuant to 18 U.S.C. § 982(a)(1), as property involved in such
 22 offenses, or any property traceable to such property;
- 23 • On January 23, 2024, a jury found Defendant guilty of Counts 1-8 and 10-
 24 22 of the Second Superseding Indictment (Dkt. Nos. 54, 252); and
- 25 • On January 24, 2024, during the forfeiture phase of trial, the jury
 26 determined the Subject Real Property was involved in, or traceable to
 27

property involved in, in the offenses of conviction charged in Counts 17–19 (Dkt. No. 258).

NOW, THEREFORE, THE COURT ORDERS:

1. Pursuant to 18 U.S.C. § 982(a)(1) and the jury’s verdict, Defendant’s interest in the Subject Real Property is fully and finally forfeited, in its entirety, to the United States;

2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will be final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3. The United States Department of Justice, the United States Department of Homeland Security Investigations, and/or their authorized agents or representatives, shall maintain the Subject Real Property in their custody and control until further order of this Court;

4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and its intent to dispose of the Subject Real Property as permitted by governing law. The notice shall be posted on an official government website – currently www.forfeiture.gov – for at least thirty (30) days. For any person known to have alleged an interest in the Subject Real Property, the United States shall, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the Subject Real Property must file a petition with the Court within sixty (60) days of the first day of publication of the notice (which is thirty (30) days from the last day of publication), or within thirty (30) days of receipt of direct written notice, whichever is earlier. The notice shall advise all interested persons that the petition:

- a. shall be for a hearing to adjudicate the validity of the petitioner’s alleged interest in the Subject Real Property;

- b. shall be signed by the petitioner under penalty of perjury; and,
- c. shall set forth the nature and extent of the petitioner's right, title, or interest in the real property, as well as any facts supporting the petitioner's claim and the specific relief sought.

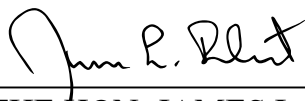
5. If no third-party petition is filed within the allowable time period, the United States shall have clear title to the Subject Real Property, and this Preliminary Order shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

6. If a third-party petition is filed, upon a showing that discovery is necessary to resolve factual issues it presents, discovery may be conducted in accordance with the Federal Rules of Civil Procedure before any hearing on the petition is held. Following adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that adjudication; and,

7. The Court will retain jurisdiction for the purpose of enforcing this Preliminary Order, adjudicating any third-party petitions, entering a Final Order of Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

DATED this 21st day of February, 2024.



THE HON. JAMES L. ROBERT
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Jehiel I. Baer

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